

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Michael L. Jones, # 259166,	)	C.A. No. 2:09-2584-TLW-JRM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Chuck E.Cheese, Rivers Ave Store in	)	
N. Charleston, SC; District Manager Tom	)	
Malladine,	)	
	)	
Defendants.	)	
_____	)	

This action has been filed by the plaintiff, who is proceeding *pro se*. Plaintiff filed his complaint on October 1, 2009. (Doc. #1). On June 22, 2010, defendants filed a motion for summary judgment with supporting memorandum. (Doc. # 27). Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), the plaintiff was advised by Order filed June 23, 2010, of the summary judgment dismissal procedure and the possible consequences if he failed to adequately respond to the motion. (Doc. # 28). No response was filed. A second Order giving the plaintiff fifteen additional days to notify the Court if he wished to continue with this case and to respond to the motion for summary judgment was filed on August 3, 2010. (Doc. # 30). This second Order advised the plaintiff that if he failed to respond, this action would be recommended for dismissal with prejudice for failure to prosecute. No response was filed.

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Joseph R. McCrorey, to whom this case had

previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge McCrorey recommends that this action be dismissed with prejudice for lack of prosecution. (Doc. # 32). No objections to the Report have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 32), and the above captioned case is dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

**IT IS SO ORDERED.**

October 21, 2010  
Florence, South Carolina

s/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**